

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ANTONIO T WADE,

Plaintiff,

v.

Case No. 2:21-cv-393-SPC-NPM

ALLYRIDES LLC,

Defendant.

ORDER

Before the Court is a Motion for Entry of Clerk's Default (Doc. 6). Plaintiff Antonio T. Wade requests the Court direct the Clerk to enter a default against Defendant Allyrides LLC. No response was filed to the motion and the response time has lapsed. For the reasons discussed below, the Court grants the motion.

"When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Fed. R. Civ. P. 55(a). Before directing the clerk to enter a default, however, the Court must determine whether Plaintiff properly effected service of process, for which Plaintiff bears the burden of proof. Fed. R. Civ. P. 4(l); *Chambers v. Halsted Fin. Servs., LLC*, No. 2:13-cv-809-

FTM-38, 2014 WL 3721209, *1 (M.D. Fla. July 28, 2014); *Zamperla, Inc. v. S.B.F. S.R.L.*, No. 6:13-cv-1811-Orl-37, 2014 WL 1400641, *1 (M.D. Fla. Apr. 10, 2014).

Service on an entity defendant can be made by any manner prescribed in Rule 4(e)(1) by “following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made.” Fed. R. Civ. P. 4(h)(1)(A) & 4(e)(1); *see also Chambers*, 2014 WL 3721209 at *1. Or, service can be effected “by delivering a copy of the summons and of the complaint to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process” Fed. R. Civ. P. 4(h)(1). Likewise, under state law, a corporation may be served through its registered agent. Fla. Stat. § 48.081(3)(a). Here, on May 20, 2021, the process server served Allyrides LLC by serving Joseph G. Guido, the registered agent, with the summons and Complaint at Allyrides LLC’s business location. (Doc. 5).

The Court finds Plaintiff properly effected service of process on Defendant, which failed to timely respond to the Complaint (Doc. 1). Therefore, the Court finds a clerk’s default must be entered pursuant to Rule 55(a). Accordingly, the Motion for Entry of Clerk’s Default (Doc. 6) is **GRANTED**, and the Clerk is directed to enter a default against Defendant Allyrides LLC.

Within thirty-five (35) days after entry of a clerk’s default, Plaintiff must apply for the default judgment or file a paper identifying each unresolved issue

necessary to entry of the default judgment. M.D. Fla. R. 1.10(c).

ORDERED in Fort Myers, Florida on July 28, 2021.



NICHOLAS P. MIZELL
UNITED STATES MAGISTRATE JUDGE